

ARTICLE 4

TOWN ADMINISTRATOR

Section 4-1 Appointment, Term of Office

(a) The board of selectmen shall appoint a town administrator to serve for a term of not less than three nor more than five years, provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The board of selectmen shall make the appointment of a town administrator from a list prepared by a screening committee of the town.

(b) Unless subsequently changed by by-law, the following procedure shall apply. The board of selectmen shall call for the establishment of such a screening committee within thirty days after the position of town administrator becomes vacant. The screening committee shall review applicants for the position of town administrator and shall consist of nine persons selected as follows: the board of selectmen, the planning board and the school committee shall each designate one person, the finance committee and the personnel board shall each designate two persons, and two persons shall be appointed by the town moderator. Persons chosen by the said agencies may, but need not, be members of the agency by which they are chosen to serve and in the case of the town moderator, the persons may, but need not, be members of the representative town meeting. Not more than thirty days following the selection of all of the members of the screening committee, the persons chosen shall meet to organize and to plan a process for the solicitation by advertisement and by other means to receive applications for the position of town administrator. Not more than one hundred and eighty days following the date the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than two nor more than five candidates, whom it believes to be best suited to perform the duties of town administrator. Within thirty days following the date the list of nominees is submitted to it, the board of selectmen shall choose one of the said nominees to be appointed to the office of town administrator. In the event the board of selectmen shall fail to act within said time, the screening committee shall within fourteen days appoint the town administrator. Upon the appointment of a town administrator the committee established hereunder shall be considered discharged.

(c) The town administrator shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a person especially fitted by education, training and previous experience in business or public administration to perform the duties of the office of town administrator. Until such time as the town meeting may act, by by-law, to establish different qualifications, the town administrator shall have the following specific qualifications; he shall have at least an earned bachelors or similar level degree from a recognized, accredited college or university; and he shall have served full time as the chief administrative officer of a city or town for a period of not less than five years.

(d) The board of selectmen shall annually provide for a review of the job performance of the town administrator which shall, at least in summary form, be a public record.

(e) The town administrator shall devote his full time to the duties of his office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during his term unless such action is approved, in advance, in writing, by the board of selectmen. The town may, by by-law, from time to time, establish such additional qualifications for the office as seem necessary or desirable.

Section 4-2 Powers and Duties

The town administrator shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the proper administration of all town affairs placed under his charge by or under the charter. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

- 1) He shall supervise, direct and be responsible for the efficient administration of all functions placed under his control by the charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise, including all officers appointed by him and their respective department.
- 2) He shall coordinate the activities of all town agencies under his control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.
- 3) He shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by law, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Until such time as the town meeting may act, by by-law, to amend or revise this list, and subject in any event to the provisions of Article 6, the town administrator shall appoint: the building inspector; central equipment purchasing committee; director of public works; dog officer; insurance advisory committee; parking meter maintenance; personnel board; planning director; safety committee; sealer of weights and measures; superintendent of insect and pest control; superintendent of recreation; systems manager; town report committee; and tree warden.

Appointments made by the town administrator shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen, unless the board of selectmen shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.

Copies of all proposed appointments of the town administrator shall be posted forthwith on the town bulletin board.

- 4) He shall, in conjunction with a personnel board established by by-law, be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and all collective bargaining agreements entered into on behalf of the town. He shall, in conjunction with the personnel board prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee.
- 5) He shall attend all regular and special meetings of the board of selectmen, unless excused at his own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) He shall attend all sessions of the representative town meeting and shall answer all questions addressed to him related to warrant articles and which are related to matters under his general supervision.
- 7) He shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the board of selectmen and of other town agencies which require enforcement by him or by officers or employees subject to his general supervision and direction, are faithfully carried out, performed and enforced.
- 8) He shall prepare and submit, in the manner provided in Article 5 a proposed annual operating budget and a proposed capital outlay program for the town.
- 9) He shall keep the board of selectmen fully informed as to the fiscal condition and needs of the town, and shall make such recommendations to the board of selectmen and to other elected and appointive officers as he may deem to be necessary or desirable.
- 10) He shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the board of selectmen at the end of each fiscal year and at such other periods as it may reasonably require.
- 11) He shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. He shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town meeting vote, those under the jurisdiction of the school committee.
- 12) He may at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under his general supervision.
- 13) He shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept, including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies.

- 14) He shall be responsible for the negotiation of all contracts with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
- 15) He shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. He shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, material and equipment delivered to or received by any town department, except the school department. He shall, in addition, be responsible for the disposal of all surplus supplies, material and equipment, except for the school department.
- 16) He may in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under his general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.
- 17) He may authorize any subordinate officer or employee to exercise any power of duty which he is authorized to perform, however, that all acts which are performed under any such delegation shall be deemed to be his acts.
- 18) He shall perform such other duties as may be required by the charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise.

Section 4-3 Acting Town Administrator

- (a) **Temporary Absence** - The town administrator shall, by letter filed with the board of selectmen and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of his office during his temporary absence. During the temporary absence of the town administrator, the board of selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may designate another qualified town officer or employee to serve as acting town administrator until the town administrator shall return and assume his duties.
- (b) **Vacancy** - Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen but pending such appointment the board of selectmen shall designate a qualified town officer or employee to perform the duties of the town administrator on an acting basis. The appointment of an acting town administrator shall be for a term not to exceed three months, provided, however, a renewal, not to exceed an additional three months may be provided.

(c) **Powers and Duties** - The powers of a temporary or acting town administrator, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations, to town office or employment, but no appointments or designations of a permanent nature.

Section 4-4 Removal and Suspension

The board of selectmen, by a two-thirds vote taken with the full board present, may terminate the town administrator from his office in accordance with the following procedure:

- (a) During probationary period: notice in writing of termination.
- (b) After probationary period: The town administrator shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests in writing, he shall have been furnished by the board of selectmen with a written statement of the charge or charges or the cause or causes for which his dismissal is proposed; nor unless, if he so requests in writing, he has been given a hearing before the board of selectmen which may be either public or private at the option of the town administrator, and at which he may be represented by counsel, present evidence, and call witnesses to testify in his behalf and examine them.
- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town administrator shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town administrator may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town administrator shall continue to receive his full salary until thirty days following the date a final vote of removal has become effective.